

REMARKS

INTRODUCTION

Claims 1,3, 5-12, 14, 16-23, 25, and 27-33 are pending and under consideration. Claims 2, 4, 13, 15, 24, 26 and 34 have been cancelled. Claims 1, 3, 5, 6, 8-12, 14, 16, 17, 19-23, 25, 27, 28, and 30-33 have been amended herein. Support for the amendments may be found in the claims as filed originally. Reconsideration is earnestly solicited.

REJECTION UNDER 35 U.S.C. §112

Claims 3-6, 8-11, 14-17, 19-22, 25-28, and 30-34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. This rejection is traversed and reconsideration is requested. In the interests of compact prosecution only, and not for reasons of patentability, the aforementioned claims have been amended. It is submitted that the amended claims now pending herein meet the requirements of 35 U.S.C. §112, second paragraph. Claims 4, 15, 26, and 34 have been cancelled.

REJECTION UNDER 35 U.S.C. §102(a)

In item 4 of the Office Action, claim 34 is rejected under 35 U.S.C. §102(e) as being anticipated by Knapp et al., U.S. Patent Number 6,829,583. In the interest of compact prosecution, and without prejudice or disclaimer, claim 34 is cancelled.

REJECTION UNDER 35 U.S.C. §103(a)

Claims 1-3, 5, 7, 10-14, 16, 18, 21-25, 27, 29, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Framework for Restaurant Information Technology" (hereinafter referred to as "Restaurant Technology") in item 7 of the Office Action. Claims 4, 6, 15, 17, 26, and 28 are rejected under 35 U.S.C. 103(a) as being under patentable over Restaurant Technology, in view of "Developing a Restaurant Revenue-management Strategy" (hereinafter referred to as "Restaurant Strategy") in item 8 of the Office Action. Claims 8, 9, 19, 20, 30, and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Restaurant Technology in view of Visconti (U.S. Patent No. 6,876,973). These rejections are respectfully traversed.

Claims 1, 12, and 23

In the Office Action, on page 6, lines 19-23, the Examiner acknowledges that Restaurant Technology does not disclose "comparing said accumulated usage amount of money of said

customer with a predetermined reference amount of money to said accumulated usage amount of money” of amended claims 1, 12, and 23. Furthermore, the Examiner acknowledges that Restaurant Technology does not disclose “upon detecting that said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money, estimating an outgo time of said customer on the basis of a point of time when said accumulated usage amount of money of said customer exceeds said predetermined amount of money” of amended claims 1, 12, and 23.

Restaurant Technology, on page 6, paragraph 5, lines 1-4, discloses “By tracking customer’s . . . average meal duration, and typical amounts spent per hour, restaurants can do a better job of booking the right customers at the right time.” Although not explicitly defined in Restaurant Technology, the phrase “average meal duration” is assumed to mean the duration from the arrival time of a customer to the departure of a customer. Furthermore, Restaurant Technology implicitly teaches tracking a specific customer’s average meal duration (e.g. *customers’ . . . average meal duration*).

In contrast, the present invention does not rely on a specific customer’s average meal duration. The present invention estimates the remaining amount of time any customer will remain in the store based on the customer’s accumulated usage amount of money. The present invention is distinguished from Restaurant Technology by not tracking or relying on “average meal duration” or “typical amounts spent per hour” to book customers.

In light of the proceeding discussion, it submitted that Restaurant Technology does not teach or suggest that the outgo time of a customer is estimated on the basis of a point of time when said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money. Therefore, it is submitted that claims 1, 12, and 23 are patentably distinguishable over the prior art.

In addition, the Examiner states that Restaurant Strategy discloses “estimating an outgo time of the customer a time after the transaction is closed out.” See Office Action, page 9, lines 16-18. Restaurant Strategy, however, discloses estimating an outgo time after the dessert had been ordered. See Restaurant Strategy, page 6, paragraph 13. It is submitted that estimating an outgo time after the dessert had been ordered is too short a time period by which to estimate the outgo time (e.g. after dinner drinks, and coffee orders are not considered under Restaurant Strategy). In contrast, the present invention estimates the remaining amount of time any customer will remain in the store based on the customer’s accumulated usage amount of money.

It is submitted that such an estimate disclosed by the present invention produces a superior estimate of the customer’s outgo time. Therefore, it submitted that Restaurant

Technology, in view of Restaurant Strategy, does not teach or suggest that the average meal duration is estimated on the basis of a point of time when said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money. Therefore, it is submitted that claims 1, 12, and 23 are patentably distinguishable over the prior art.

Claims 2, 13, and 24

Claims 1, 12, and 23 have been amended to incorporate all of the features and limitations of claims 2, 13, and 24, respectively. Therefore, in the interest of compact prosecution, and without prejudice or disclaimer, claims 2, 13, and 24 are cancelled.

Claims 3, 14, and 25

Amended claims 3, 14, and 25, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23 plus additional features not taught or suggested by the prior art. For example, the Examiner states in the Office Action, on page 7, lines 15-16, that Restaurant Technology discloses "tracking dining patterns, meal duration, and amounts of money spent to book the customers, and the right time." In amended claims 3, 14, and 25, however, a second customer makes a reservation "without time designation." See *also* Specification, page 2, lines 29-31. Restaurant Technology does not teach or suggest that a customer makes a reservation without time designation. Therefore, it is submitted that claims 3, 14, and 25 are further patentably distinguishable over the prior art.

Claims 4, 15, and 26

Claims 1, 12, and 23 have been amended to incorporate all of the features and limitations of claims 4, 15, and 26, respectively. Therefore, in the interest of compact prosecution, and without prejudice or disclaimer, claims 4, 15, and 26 are cancelled.

Claims 5, 16, and 27

Amended claims 5, 16, and 27, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23. Therefore, it is submitted that claims 5, 16, and 27 are patentably distinguishable over the prior art at least for the reasons noted above.

Claims 6, 17, and 28

Amended claims 6, 17, and 28, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23. Therefore, it is submitted that claims 6, 17, and 28 are patentably distinguishable over the prior art at least for the reasons noted above.

Claims 7, 18, and 29

Amended claims 7, 18, and 29, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23. Therefore, it is submitted that claims 7, 18, and 29 are patentably distinguishable over the prior art at least for the reasons noted above.

Claims 8, 19, and 30

Amended claims 8, 19, and 30, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23 plus additional features not taught or suggested by the prior art. For example, the Examiner states in the Office Action, on page 11, lines 2-3, that Visconti discloses notifying a second customer of an outgo time of a customer. In Visconti, however, the second customer is notified only when he or she makes a reservation request. Visconti does not teach or suggest notifying a second customer of an outgo time of a customer "upon detecting that outgo information of [the] customer is obtained." Therefore, it is submitted that claims 8, 19, and 30 are patentably distinguishable over the prior art.

Claims 9, 20, and 31

Amended claims 9, 20, and 31, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23 plus additional features not taught or suggested by the prior art. For example, Visconti does not teach or suggest judging whether a reservation of a second customer is registered with regard to a reservation unit including a seat of said customer upon detecting that outgo information of said customer is received. Therefore, it is submitted that claims 9, 20, and 31 are patentably distinguishable over the prior art.

Claims 10, 21, and 32

Amended claims 10, 21, and 32, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23. Therefore, it is submitted that claims 10, 21, and 32 are patentably distinguishable over the prior art at least for the reasons noted above.

Claims 11, 22, and 33

Amended claims 11, 22, and 33, which depend on claims 1, 12, and 23 respectively, incorporate all the features and limitations of claims 1, 12 and 23. Therefore, it is submitted that claims 11, 22, and 33 are patentably distinguishable over the prior art at least for the reasons noted above.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

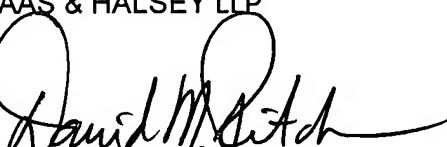
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

A handwritten signature in black ink, appearing to read "David M. Pitcher", written over a horizontal line.

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